

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Case No. 1:23-cv-00878-TDS-JEP

DEMOCRACY NORTH CAROLINA;
NORTH CAROLINA BLACK ALLIANCE;
LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA,

Plaintiffs,

vs.

ALAN HIRSCH, in his official capacity as
CHAIR OF THE STATE BOARD OF
ELECTIONS, *et al.*,

Defendants.

**STIPULATION OF VOLUNTARY
DISMISSAL OF COUNT ONE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Democracy North Carolina, North Carolina Black Alliance and League of Women Voters of North Carolina (“Plaintiffs”) and Defendants State Board of Elections, Secretary of the State Board of Elections, the Members of the State Board of Elections and the Director of the State Board of Elections, all in their official capacities (collectively, the “State Board Defendants”), and Intervenor-Defendants Philip E. Berger, in his official capacity as President Pro Tempore of the North Carolina Senate, and Destin C. Hall, in his official capacity as Speaker of the North Carolina House of Representatives (collectively, the

“Legislative Defendants”), hereby jointly stipulate to the voluntary dismissal of Count One of the Complaint with prejudice.

In support of this Stipulation, the Parties state the following:

1. On October 17, 2023, Plaintiffs filed their Complaint in this matter, challenging the amendments to North Carolina’s same-day registration law made by Senate Bill 747. The Complaint included three counts: (1) denial of procedural due process in violation of the Fourteenth Amendment to the U.S. Constitution [“Count One”], (2) undue burden on the fundamental right to vote in violation of the First and Fourteenth Amendments [“Count Two”], and (3) intentional discrimination in violation of the Twenty-Sixth Amendment [“Count Three”]. Dkt. 1.

2. Discovery closed on April 4, 2025. Dkt. 106.

3. On April 11, 2025, Legislative Defendants and State Defendants filed their respective Motions for Summary Judgment. Dkts. 119-22. In those motions, Defendants argued that Plaintiffs lack Article III standing and that Plaintiffs’ Twenty-Sixth Amendment claim fails as a matter of law. Plaintiffs filed their opposition on May 9, 2025. Dkt. 124. Reply briefs were timely filed on May 16, 2025. Dkts. 129, 130.

4. On May 13, 2025, Legislative Defendants filed a Motion to Dismiss, or in the Alternative, Reconsider the Court’s Prior Order on Legislative Defendants’ Prior Motion to Dismiss. Dkts. 125-26. In that motion, Legislative Defendants argue that the consent judgment entered in *Voto Latino, et al. v. Hirsch, et al.*, No. 1:23-cv-861 and *Democratic National Committee, et al. v. Hirsch, et al.*, No. 1:23-cv-862, *see Voto Latino* Dkt. 101, moots all of Plaintiffs’ claims.

5. The Parties have conferred and all agree that Plaintiffs' first claim—Count One—based on denial of procedural due process in violation of the Fourteenth Amendment to the U.S. Constitution, is now moot. Accordingly, Count One should be voluntarily dismissed with prejudice.

6. Plaintiffs' remaining claims against the State Board Defendants and Legislative Defendants—Count Two and Count Three of the Complaint—will continue. All Parties reserve their respective claims and defenses to the matters alleged in Counts Two and Three of the Complaint and Defendants' Summary Judgment Motions (Dkts. 119-122) and Motion to Dismiss (Dkts. 125-126) will remain pending for the Court's review once fully briefed.

Dated: May 22, 2025

Respectfully Submitted,

/s/ Jeffrey Loperfido

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all parties of record.

/s/ Jeffrey Loperfido

Jeffrey Loperfido (State Bar #52939)